IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3364 OF 2006
IN
APPEAL NO. 56 OF 1994
IN
NOTICE OF MOTION NO. 1953 OF 1991
IN
SUIT NO. 2610 OF 1991

Himanshu Mehta] .. Appellant

Versus

1. Poona Fibre Products P.L. & 9 ors.] .. Respondents

None for the appellant.

Mr. R.L. Tolat i/b M/s. Mayur Narendra & Co. for the respondent No.1.

Mrs. S.I. Shah i/b M/s. S.I. Shah & Co. for respondents No.2 and 3.

CORAM: R.M. LODHA, &
S.A. BOBDE, JJ.

DATED: 06TH NOVEMBER, 2006

P.C. :

. This Notice of Motion is for restoration of the Notice of Motion No. 229 of 2004 which was dismissed in default on 5th September, 2006 for want of appearance of the appellant and his Advocate. Though we are not satisfied with the reasons stated in paragraph 5 of the Affidavit but since the application for restoration has been made within time and further that

non appearance was not deliberate or intentional, in the interest of justice, we recall the order dated 5th September, 2006 and restore the Notice of Motion No. 229 of 2004.

2. This Notice of Motion stands disposed of.

Sd/-
[R.M. LODHA, J.]

Sd/-
[S.A. BOBDE, J.]